

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE APPROVING BOARD OF PUBLIC WORKS RULES AND REGULATIONS FOR RIGHT-OF-WAY OCCUPANCY AND BARRICADE PERMITS IN CONNECTION WITH PERSONS OR ORGANIZATIONS SEEKING A PERMIT.

WHEREAS, the Common Council of the City of Fort Wayne previously adopted Resolution R-33-89 approving Board of Public Works Rules and Regulations Right-of-Way Occupancy; and

WHEREAS, said Resolution extended authority to the Board of Public Works to charge additional sums for other uses of its rights-of-way; and

WHEREAS, Common Council passed Ordinance G-32-96 referencing the need for sponsors of parades and public assemblies (including block parties) to apply for barricade permits;

WHEREAS, the Board of Public Works has revised and approved new Rules and Regulations for Right-of-Way Occupancy and Barricade Permits.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Board of Public Works Rules and Regulations for Right-of-Way Occupancy and Barricade Permits are hereby approved and ratified. Two copies of said rules and regulations are available for inspection in the office of the Clerk of the City of Fort Wayne and are incorporated herein by reference.

1 SECTION 2. That this Resolution shall be in full force and effect from and after its  
2 passage and any and all necessary approval by the Mayor.

3   
4 Council Member

5 APPROVED AS FORM AND LEGALITY

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8 J. Timothy McCaulay, City Attorney

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**WHAT COMES TO THE RIGHT-OF-WAY PERMIT OFFICE:**

*From Bd of Works*

- 1) Commercial and construction-related uses of the right-of-way.  
FEE: Yes, according to the existing schedule until City Council approves the new schedule adopted by the Board of Public Works.  
ROUTING: Same as now... starts and ends in the Right-of-Way Permit Office.
- 2) "Recreational" uses of the right-of-way, such as: marathons, walk-a-thons, etc.; the Junior Achievement race car event; parking requests for special community events such as children's performances at the Scottish Rite, Focus on Health; school outings such as walking from the school to a park or marching band practices. Guideline: Just about any not-for-profit type of event which does NOT involve a public assembly-type of "cause". Therefore, things like the Walk for Jesus or an anti or pro-abortion rally on the sidewalks downtown would NOT be considered a "recreational" use.  
FEE: None.  
ROUTING: Same as now... starts and ends in the Right-of-Way Permit Office.

**WHAT COMES TO THE BOARD OF PUBLIC WORKS OFFICE:**

- 1) Any parade, whether in a neighborhood or the Three Rivers Festival.
- 2) Any public assembly, defined as "any meeting, demonstration, picket line, rally or gathering of more than 25 persons for a common purpose..."
- 3) Block parties.

**FEES:** Application fees are required for all of these events, as shown below:

\$10.00	Block Party
\$10.00	Neighborhood Association Parade Permit
\$50.00	Parade <del>Permit</del> Application, Ku Klux, Memorial Day, Vets Day

There are NO provisions for additional barricade fees for these events.

**ROUTING:** Starts in the Board of Public Works office, and is reviewed by the Director of Public Works before being forwarded to the Right-of-Way Permit Office, where it will continue to be routed in the normal fashion. The application must come back to the Board of Public Works Office for final approval. Once that approval is given (requires signatures of both the Public Works and Public Safety directors), all departments will be notified that everything has been finalized.

**BOARD OF PUBLIC WORKS  
RULES AND REGULATIONS  
For  
RIGHT-OF-WAY OCCUPANCY  
And  
BARRICADE PERMITS**

Pursuant to its rule making authority specified under Section 99.020(C) of the Municipal Code of the City of Fort Wayne, the Board of Public Works for the City of Fort Wayne hereby adopts the following rules and regulations governing the use of the City of Fort Wayne Rights-of-Way by those persons or organizations seeking a permit to do so.

**I. FOR COMMERCIAL, CONSTRUCTION, RECREATIONAL USE OF THE  
RIGHT-OF-WAY**

**1) APPLICATION REQUIRED**

- a) Not less than forty-eight (48) hours prior to the anticipated occupancy of a portion of any city right-of-ways, and not less than seven (7) days prior to the anticipated full closure of city right-of-ways, commercial and/or construction parties, as well as those conducting a foot or bike race or other recreational event to be held within the right-of-way, shall make application to the City of Fort Wayne through its Right-of-Way Permit Office; however, said time limits may be waived for applications determined to be emergencies by the Director of Public Works.
- b) Said application shall contain an adequate description of the use to be made of the occupied portion of City right-of-way including the size, location, purpose and type of structure to be located thereupon.

- c) Applicant shall pay fees for the use of the right-of-way as established in Section III, Paragraph 4, below.
- d) Civil City-funded or City Utilities-funded construction projects shall not be subject to City Barricade Fees, however, the contractor or city department doing any such construction work must apply and receive approval for barricade permits as described in paragraph "a" of this section.

**2) DEPARTMENTAL APPROVALS REQUIRED**

Before any permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering departments and the Right-of-Way Permit Office.

**II. BARRICADES FOR PUBLIC ASSEMBLIES, PARADES, NEIGHBORHOOD ASSOCIATION PARADES AND BLOCK PARTIES.**

**1) APPLICATION REQUIRED**

- a) Not less than 10 days prior to the anticipated occupancy of any city right-of-ways, for the purpose of public assemblies, parades, neighborhood association parades or block parties, the sponsoring parties shall make application for barricade permit(s) to the City of Fort Wayne in concurrence with its application for a "public assembly/parade" permit. Both permits are located in the Office of the Board of Public Works, Room 920, City-County Building.
- b) Said application shall contain an adequate description of the use to be made of the occupied portion of City right-of-way including the size, location, purpose and type of structure to be located thereupon.

c) In addition to all of the items in Section III (above), block party permits must meet the following conditions:

- 1) Applications for a Block Party Permit must be accompanied by a petition signed by at least 51% of the residents in the block(s) to be closed for the party. This petition must include the addresses and telephone numbers of those who have signed it.
- 2) Emergency traffic must have access to the street at all times.
- 3) The times of the street closure must not be earlier than 9:00 A.M. nor later than 10:00 P.M.
- 4) Block Party permits will not be issued during the Three Rivers Festival due to the unusual demands on City personnel and equipment.
- 5) Block Party permits will not be issued on any major through street as determined by the City Traffic Engineering or Police departments.

2) **DEPARTMENTAL APPROVALS REQUIRED**

- a) Approval of any barricade permit under this section is contingent upon the applicant securing a public assembly, parade, neighborhood parade or block party permit from the Directors of Public Works and Public Safety.
- b) Before any barricade permit shall be granted, the same shall be reviewed by and approved by the Police and Traffic Engineering departments. Right-of-Way use requested by the applicant is subject to change as a result of this review.

c) Once an applicant's Right-of-Way use (location and date(s)) is established and approved, it shall not be subject to change by the applicant. However, the City reserves the right to cause a change in location or date for reasons of public safety.

### III. CONDITIONS OF ANY BARRICADE PERMIT

#### 1) INDEMNITY:

No permit shall be granted unless applicant shall have undertaken to indemnify and save harmless, the City of Fort Wayne of and from any and all losses or claims which may be asserted by anyone by reason of the granting of such permit and the occupancy of right-of-way by applicant.

#### 2) RESTORATION:

Applicant shall covenant to restore the right-of-way at the conclusion of occupancy.

#### 3) BARRICADES AND SIGNS:

All barricades and signs shall conform with the latest revision of the Indiana Manual on Uniform Traffic Control Devices (copies of which are available for purchase from the Right-of-Way Permit Office) as well as any additional requirements deemed appropriate by the Traffic Engineering Department when necessitated by special or additional safety considerations. Permittees shall bear the expense of obtaining, erecting, maintaining and removing barricades and signs.

Applicants who have permits for recreational events, public assemblies, parades, neighborhood association parades or block parties may request that the barricades be

placed by the Street Department, according to the fee structure below. Applicant shall also designate a representative and 24-hour phone number for notification by City when maintenance of barricading is required.

#### **4) BARRICADE FEE SCHEDULE**

None of the fees below shall be waived. The term "week" is defined as a period from 1 to 7 days.

<u>Type Street</u>	<u>Complete Closure</u>	<u>Traffic Lane Restrictions</u>	<u>Non-Traffic Restrictions</u>
Block Party	No charge.		
Parade or Recreational event		No charge.	
Residential	\$60.00/week	\$25.00/week	\$25.00/week
Collector	\$40.00/day/lane	\$40.00/day/lane	\$35.00/week
Arterial	\$60.00/day/lane	\$60.00/day/lane	\$35.00/week

If any or all of the street adjacent to the sidewalk is also part of the barricade permit, there shall be no additional charge for sidewalk closure.

#### **5) PENALTY FOR VIOLATION**

Any person who fails to obtain the necessary right-of-way occupancy permit is guilty of a violation and shall be penalized no less than one hundred dollars (\$100.00) per day, and no more than one thousand dollars (\$1,000) per day, until such time as an approved permit is obtained, in addition to becoming liable for the appropriate fee from the date said

occupancy begins. Enforcement proceedings may be initiated upon complaint by the Right-of-Way Permit Office or any affected individual.

6) **EFFECTIVE DAY OF RULES AND REGULATIONS**

These rules and regulations shall become effective upon the adoption of a Resolution ratifying the same by the Common Council of the City of Fort Wayne.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

BOARD OF PUBLIC WORKS

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Linda Buskirk, Chairman

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Terrance P. McCaffrey, Member

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C. James Owen, Member

ATTEST: \_\_\_\_\_  
Patricia J. Crick, Clerk

Read the first time in full and on motion by Sandra E. Kennedy,  
and duly adopted, read the second time by title and referred to the Committee on Regulations, (and the City Plan Commission for recommendation)  
and Public Hearing to be held after due legal notice, at the Common Council Conference  
Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_  
o'clock \_\_\_\_\_ M., E.S.T.

DATED: 3-25-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sandra E. Kennedy,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BENDER</u>	<u>✓</u>			
<u>CRAWFORD</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>HALL</u>	<u>✓</u>			
<u>HAYHURST</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			

DATED: 4-8-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,  
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)  
(ZONING) ORDINANCE RESOLUTION NO. Q-21-97  
on the 8th day of April, 19 97

Sandra E. Kennedy ATTEST Thomas C. Jolley SEAL  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the  
9th day of April, 19 97,  
at the hour of 11:00, o'clock A.M., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day  
of April, 19 97, at the hour of 7:30  
o'clock A.M., M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



# The City of Fort Wayne

Paul Helmke, Mayor

**MEMO**      March 5, 1997

**TO:**      **FORT WAYNE COMMON COUNCIL**

**FROM:**      Linda Buskirk, Director of Public Works *LB*

**RE:**      **Board of Public Works Rules & Regulations  
for Right-of-Way Occupancy and Barricade Permits**

In December, 1996, Fort Wayne City Council approved new rules and regulations for parades and public assemblies. That ordinance, G-32-96, referred to the need for the sponsors of parades and public assemblies (including block parties) to also apply for barricade permits.

The rules and regulations for the use of City rights-of-way and for barricades are approved by the Board of Public Works, but also must be ratified by City Council, per the parade ordinance. At its March 5, 1997, meeting, the Board approved a new set of rules and regulations, and now these are before City Council for your review and approval.

The rules and regulations have been divided into three categories:

- 1)      Rules and regulations for commercial, construction and recreational use of the right-of-way.
- 2)      Rules & regs for parade and public assembly use of the right-of-way.
- 3)      Rules & regs which apply to both types of uses, including a fee structure.

The rules and regulations were updated eight years ago, in 1989. The proposed new fees are approximately 20% higher than the current fees, but they also eliminate an initial fee charged at the beginning of street closures. Also, the new fee schedule clearly states that block parties, parades or recreational events (such as marathons or walk-athons) would pay no barricade fees. This actually reflects no change in policy, as sponsors of such events have routinely requested and received waivers of barricade fees. The new policy just eliminates the sponsors' need to ask. (Reminder: sponsors of parades and public assemblies, including block parties, will still need to pay those permit application fees as previously approved by City Council in the parade/public assembly ordinance.

Memo to City Council

Page 2

Below is the proposed fee schedule. **Proposed fees are bolded.** Existing fees, where different from what is currently charged, are shown below the proposed fees.

<u>Type Street</u>	<u>Complete Closure</u>	<u>Traffic Lane Restrictions</u>	<u>Non-Traffic Restrictions</u>
Block Party	<b>No charge.</b>		
Parade or Recreational event		<b>No charge.</b>	
Residential	<b>\$60.00/week</b> \$50.00/week	<b>\$25.00/week</b> \$20.00/week	<b>\$25.00/week</b> \$20.00/week
Collector	<b>\$40.00/day/lane</b> \$60.00 plus \$30/day/lane	<b>\$40.00/day/lane</b> \$30/day/lane	<b>\$35.00/week</b> \$20.00/week
Arterial	<b>\$60.00/day/lane</b> \$100.00 plus \$50/day/lane	<b>\$60.00/day/lane</b> \$50.00/day/lane	<b>\$35.00/week</b> \$20.00/week

If any or all of the street adjacent to the sidewalk is also part of the barricade permit, there shall be no additional charge for sidewalk closure.

According to the proposed rules and regulations, none of these fees shall be waived (this was not stated in the existing schedule), and the term "week" is defined as a period from 1 to 7 days (which was not stated, but is the method the City has used).

The Board of Public Works Office, which processes the permits for public assemblies, parades and block parties, according to that ordinance, has initiated a new application for those permits. For your information, it is also attached.

If you have any questions regarding these issues, please call me at 427-1109.

BILL NO. R-97-03-18

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO  
WHOM WAS REFERRED AN ORDINANCE (RESOLUTION) of the Common  
Council of the City of Fort Wayne approving Board of Public Works rules  
and regulations for right-of-way occupancy and barricade permits in  
connection with persons or organizations seeking a permit

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HAVE HAD SAID ORDINANCE (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
ORDINANCE (RESOLUTION)

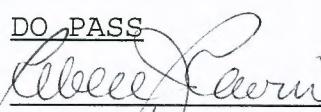
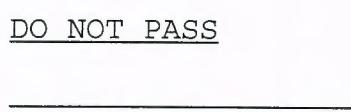
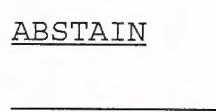
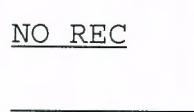
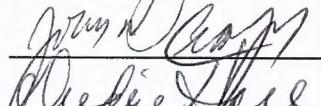
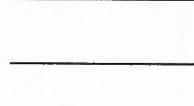
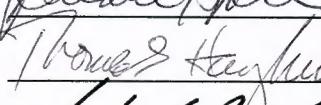
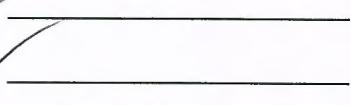
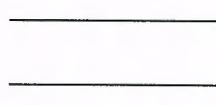
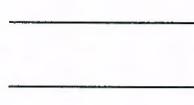
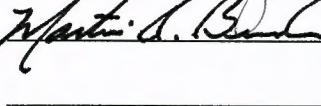
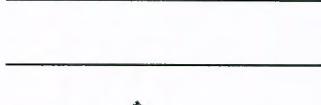
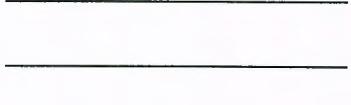
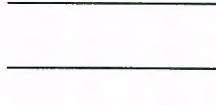
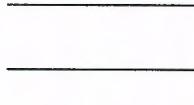
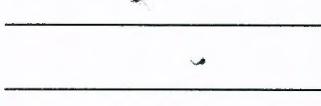
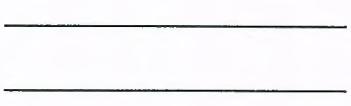
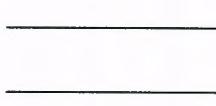
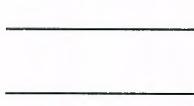
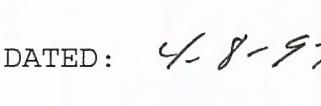
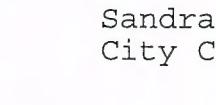
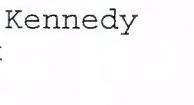
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DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 4-8-97.

Sandra E. Kennedy  
City Clerk